

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

DONALD JAQUESS	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
HARTFORD LLOYD'S INSURANCE	§	
COMPANY,	§	
	§	
<i>Defendant.</i>	§	

NOTICE OF REMOVAL

Defendant Hartford Lloyd's Insurance Company ("Hartford" or "Defendant") files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On August 31, 2017, Plaintiff Donald Jaquess ("Plaintiff") filed his Original Petition (the "Petition") in Cause Number 096-294383-17, in the 96th District Court of Tarrant County, Texas. Defendant filed its answer in the State Court on September 29, 2017.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff's petition is attached as Exhibit C; (iv) a copy of Defendant's answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is attached as Exhibit E; and (vi) a list of all counsel of record, including addresses, phone

numbers, and the parties represented is attached as Exhibit F and (vii) an Affidavit of Lisa Levin attached as Exhibit G.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant Hartford first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.

4. The claims asserted against Defendants are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas because he is an individual resident of the State of Texas. Defendant is a "Lloyd's Plan" organized under Chapter 941 of the Texas Insurance Code. A Lloyd's Plan is an unincorporated association of underwriters who sell insurance through an attorney-in-fact or other representative.¹ The citizenship of a Lloyd's Plan insurer, like all unincorporated associations, is determined by the citizenship of its members.² Hartford's underwriters are citizens of the states of Connecticut and Illinois.³ Thus, Hartford is a citizen and resident of the states of Connecticut and Illinois for purposes of diversity.⁴

5. The amount in controversy exceeds \$75,000 based on Plaintiff's state court Petition, specifically at ¶¶ 1, 63.

¹ TEX. INS. CODE §§ 941.001, 941.051-941.052; *Salazar v. Allstate Tex. Lloyd's, Inc.*, 455 F.3d 571, 572 n.1 (5th Cir. 2006); *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993), *cert. denied*, 511 U.S. 1032 (1994).

² *Royal Ins. Co. of Am.*, 3 F.3d at 882; *Cronin v. State Farm Lloyds*, No. H-08-1983, 2008 WL 4649653, at *2 (S.D. Tex. Oct. 10, 2008); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998).

³ Exhibit G, Affidavit of Lisa Levin.

⁴ See *Royal Ins. Co. of Am.*, 3 F.3d at 882.

6. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

7. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Laura J. Grabowski

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2017, a true and complete copy of the above and foregoing instrument has been served via the electronic filing manager on Plaintiff's counsel of record as follows:

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/s/ Laura J. Grabouski

Laura J. Grabouski